

## Beasley, Lynn

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**From:** Beasley, Lynn  
**Sent:** Monday, April 08, 2013 12:49 PM  
**To:** cara mae cirignano  
**Cc:** Beasley, Lynn  
**Subject:** RE: sorry to have missed you

Hi Cara Mae,

The number of animals depends on the species (see the rule language at the end of the FR notice). They are required to report if the ammonia meets or exceeds 100 pounds.

The EPA is currently reviewing this regulation along with the results of the National Air Emissions Monitoring Study and emissions estimating methodology to decide if a stronger regulation that restricts excess emissions is desirable." Not accurate.

This is what we have said publically:

On December 18, 2008, EPA published a Final Rule, "CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms (73 FR 76948) ("the Final Rule"). The Final Rule established exemptions from certain reporting requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Emergency Planning and Community Right to Know Act (EPCRA). On January 15, 2009, Waterkeeper Alliance, Sierra Club, the Humane Society of the United States, Environmental Integrity Project, the Center for Food Safety, and Citizens for Pennsylvania's Future (collectively, "Waterkeeper") filed a Petition for Review of the Final Rule. The petition challenged the exemptions under both CERCLA and EPCRA. On March 17, 2009, the National Pork Producers Council filed its Petition for Review challenging a portion of the Final Rule that amended the EPCRA regulations. The two cases were consolidated. On February 11, 2009, the National Chicken Council, National Turkey Federation, and U.S. Poultry & Egg Association moved to intervene on behalf of EPA to assert their interests in the Final Rule. The case was held in abeyance so that the Parties could participate in the D.C. Circuit Mediation Program. While the mediation process did not resolve the issues raised by all of the Parties, it did raise issues warranting reconsideration of the final rule by EPA. As such, EPA sought and received a voluntary remand, without vacatur of the Final Rule during the re-evaluation period. In this action, EPA is reconsidering the Final Rule based on (1) policy choices that were initially made in the promulgation of the Final Rule, (2) views that were articulated by the Parties during the mediation process and (3) additional data that is now available. The additional data includes data that was collected as part of the National Air Emissions Monitoring Study (NAEMS). EPA's Science Advisory Board (SAB) is currently evaluating draft emissions estimating methodologies (EEMs) based on the NAEMS data. Because EPA intends to use final EEMs as part of the proposed rule, the schedule for the publication of the proposed rule is dependent on a timely finalization of those EEMs.

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**From:** cara mae cirignano [mailto:cara.mae.cirignano@yale.edu]  
**Sent:** Monday, April 08, 2013 12:03 PM  
**To:** Beasley, Lynn  
**Subject:** Re: sorry to have missed you

Ms. Beasley,

Thank you for sending this along. Can you confirm that this is an accurate statement? :

"The final rule on EPCRA reporting issued by EPA on Dec. 18, 2008 and effective Jan. 20, 2009 requires animal feeding operations to report ammonia emissions if (1) the feedyard is 1,000 head or larger **and** (2) the ammonia exceeds 100 lbs/day. The EPA is currently reviewing this regulation along with the results of the National Air Emissions Monitoring Study and emissions estimating methodology to decide if a stronger regulation that restricts excess emissions is desirable."

Thank you.

best,

Cara Mae

On Apr 6, 2013, at 11:01 AM, "Beasley, Lynn" <[Beasley.Lynn@epa.gov](mailto:Beasley.Lynn@epa.gov)> wrote:

Cara Mae,

The current regulation (see attached FR notice) became effective January 20, 2009. The regulation does not specify how the emissions are calculated (i.e., based on summer/winter emission factor). The Agency is currently reviewing this regulation and is considering the results of the National Air Emissions Monitoring Study and emissions estimating methodology (currently under development) as part of that review. Until the Agency reaches a final decision on the disposition of that review, we cannot issue public statements regarding internal or deliberative discussions.

If you have specific questions about the current regulation, I am happy to address those questions.

Lynn Beasley  
202-564-1965

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**From:** cara mae cirignano [[cara.mae.cirignano@yale.edu](mailto:cara.mae.cirignano@yale.edu)]  
**Sent:** Saturday, April 06, 2013 9:18 AM  
**To:** Beasley, Lynn  
**Subject:** Re: sorry to have missed you

Ms. Beasley,

I'm sorry to be a bug in your ear. Perhaps it would be better if we tried to find a time to chat by phone again? Do you have any availability this Monday?

Many thanks.

best,

Cara Mae

On Apr 1, 2013, at 11:35 AM, cara mae cirignano <[cara.mae.cirignano@yale.edu](mailto:cara.mae.cirignano@yale.edu)> wrote:

Ms. Beasley,

Thank you for your voicemail - I'm sorry we missed each other. It does seem like it would be best if we started the conversation over email - may be simpler in the end. My general question is simply, what is the current conversation at the EPA surrounding ammonia emissions from livestock? I understand that larger AFO/CAFO operators are required to report their emissions currently, based on a summer/winter emission factor, and that the EPA is considering stronger regulations based on the results of a multi-year study to identify emission factors, currently underway. I am hoping to better understand the current thinking at the EPA on this issue beyond this general framework.

For some context: I am interested in the topic because I am working on a masters thesis that ties damage costs to ammonia emissions from beef cattle.

Many thanks for your assistance.

best,

Cara Mae

Cara Mae Cirignano  
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Master of Environmental Science in Economics candidate  
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